

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:06cr169

UNITED STATES OF AMERICA,)

)

)

vs.)

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)

DESMOND AARON GREENE.)

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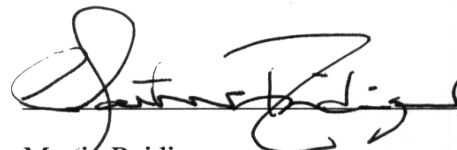
ORDER


THIS MATTER is before the Court on the Government's Motion to Dismiss [Doc. 50], filed March 1, 2009.

In this matter the Defendant pleaded guilty to conspiracy to defraud the United States and was sentenced to 21 months imprisonment. [Doc. 35]. The Defendant appealed his sentence and the Fourth Circuit Court of Appeals vacated his sentence and remanded for a new sentencing hearing. [Doc. 47]. The Court has now been informed by the Government that the Defendant has died while in the custody of the Bureau of Prisons, thus rendering the pending re-sentencing to be moot. Based thereon the Court finds that the Government's motion for the dismissal of the Bill of Indictment against this Defendant should be granted.

IT IS, THEREFORE, ORDERED that the Government's Motion to Dismiss [Doc. 50] is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Clerk is directed to certify copies of this Order to the United States Probation Office, United States Marshal Service and the United States Attorney's Office.


Martin Reidinger
United States District Judge



Signed: March 3, 2009